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Atty Dkt 100110809-3

REMARKS

Claims 1-16 and 23-38 were pending in the application prior to this amendment. Claims 2, 5, 9, 12 and 14 have been amended herein. Claims 1, 4, 8, 10, 11, 15 and 16 have been canceled herein. Claims 3, 6, 7, 13 and 23-38 remain in the application unchanged. Accordingly, after entry of the amendment presented herein, claims 2, 3, 5-7, 9, 12-14 and 23-38 will be pending in the application. Reexamination and reconsideration are requested.

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- I. Rejection of Claims 1-3, 9, 10 and 13-15 under 35 U.S.C. §102(b)**  
Claims 1-3, 9, 10 and 13-15 stand rejected under 35 U.S.C. §102(b) as being anticipated by Hodoshima et al. (U.S. 5,182,601). Reconsideration of the Examiner's rejection is requested.

At the outset, applicant notes that the heading of the Examiner's rejection (on page 2 of the Office action) does not list independent claim 14 as being rejected. Since, however, the Examiner discusses claim 14 in the body of the rejection (on page 3 of the Office action) and since rejected claim 15 depends from claim 14, applicant assumes that the Examiner intended to include claim 14 in the present rejection. Applicant's response herein is predicated upon this assumption; accordingly, if this assumption is incorrect, then applicant respectfully requests notification and a reasonable opportunity to further respond.

Claim 1

Claim 1 has been canceled herein.

Claims 2 and 3

Independent claim 2 has been amended herein to now include the limitations of dependent claim 8; claim 8 has been canceled. Since claim 8 does not stand rejected over Hodoshima et al., this amendment is believed to overcome the present rejection of claim 2.

Claim 3 is allowable at least as depending from allowable base claim

2.

Dependent claim 4 has been canceled to maintain consistency with the

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amendment to claim 2 discussed above. Dependent claim 5 has been amended to depend from claim 3, rather than from canceled claim 4. Dependent claim 5 has also been amended herein to improve antecedent basis.

#### Claims 9 and 10

Independent claim 9 has been amended herein to now include the limitations of dependent claim 11 and intervening dependent claim 10; claims 10 and 11 have been canceled. Since claim 11 does not stand rejected over Hodoshima et al., this amendment is believed to overcome the present rejection of claim 9.

Dependent claim 12 has been amended to depend from claim 9, rather than from canceled claim 11.

#### Claims 14 and 15

Independent claim 14 has been amended herein to now include the limitations of dependent claim 16 and intervening dependent claim 15; claims 15 and 16 have been canceled. Since claim 16 does not stand rejected over Hodoshima et al., this amendment is believed to overcome the present rejection of claim 14.

#### **II. Double Patenting Rejection of Claims 1-16, 23-25, 29-34, 37 and 38**

Claims 1-16, 23-25, 29-34, 37 and 38 stand rejected under the judicially created doctrine of obviousness-based double patenting as being unpatentable over claims 3, 7-9, 11-13 and 15 of U.S. Patent No. 6,621,996.

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Reconsideration of the Examiner's rejection is requested.

Applicant submits herewith a terminal disclaimer in compliance with 37 CFR 1.321(c) directed to U.S. Patent No. 6,621,996. Accordingly, the Examiner's double patenting rejection of claims 1-16, 23-25, 29-34, 37 and 38 is believed to be overcome.

**III. Double Patenting Rejection of Claims 1-4, 6, 8-11, 14-16, 23-26, 29 and 30**

Claims 1-4, 6, 8-11, 14-16, 23-26, 29 and 30 stand rejected under the judicially created doctrine of obviousness-based double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6,654,577. Reconsideration of the Examiner's rejection is requested.

Applicant submits herewith a terminal disclaimer in compliance with 37 CFR 1.321(c) directed to U.S. Patent No. 6,654,577. Accordingly, the Examiner's double patenting rejection of claims 1-4, 6, 8-11, 14-16, 23-26, 29 and 30 is believed to be overcome.

**IV. Amendment to the Specification**

Applicant has amended the specification herein to update the reference to the parent application which has now issued as U.S. Patent No. 6,654,577.

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For the reasons advanced above, it is believed that all of the claims  
should be in condition for allowance.

Respectfully submitted,  
KLAAS, LAW, O'MEARA & MALKIN, P.C.

By 

Michael A. Goodwin, Reg. No. 32,697  
KLAAS, LAW, O'MEARA & MALKIN, P.C.  
1999 Broadway, Suite 2225  
Denver, CO 80202  
Telephone: (303) 298-9888  
Fax: (303) 297-2266  
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